NOV 12 1969
JOHN F. DAVIS, CLERK

APPENDIX

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, ~~1969~~ 1970

No. ~~25~~ 18

In The Matter of The Application of

MARTIN ROBERT STOLAR,
Petitioner

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

PETITION FOR CERTIORARI FILED MARCH 31, 1969
CERTIORARI GRANTED OCTOBER 13, 1969

INDEX

	Page
Chronology of Important Dates	1a
Petitioner's Application for Admission	2a
Application, Affidavit and Certificate of Law School	3a
Questionnaire for Registration	5a
Questionnaire for Admission to Examination	14a
Questionnaire on Application for Admission to the Bar of the State of New York	17a
Report of Committee on Applicants for Admission to the Practice of Law	26a
Report and Memorandum of J. Richard Lumpe	26a
Report and Memorandum of Richard Snodgrass	28a
Letter from Chairman to Petitioner dated February 7, 1969	30a
Letter from Petitioner to Chairman dated February 10, 1969	31a
Recommendation of the Committee on Admissions of the Columbus Bar Association dated February 18, 1969	33a
Memorandum of the Clerk of the Supreme Court of Ohio	35a
Supplemental Memorandum of the Clerk of the Supreme Court of Ohio	37a
Counsel's Memorandum on Behalf of Petitioner	40a
Order and Memorandum Opinion of the Supreme Court of Ohio	55a

Chronology of Important Dates

Jan. 3, 1969	Petitioner's application for admission to the practice of law; application, affidavit and certificate of law school; questionnaire for registration; questionnaire for admission filed with the Supreme Court of Ohio.
Jan. 23, 1969	Personal interview of the petitioner by the Committee.
Feb. 7, 1969	Letter from Chairman of the Committee on Admissions of the Columbus Bar Association to Petitioner.
Feb. 10, 1969	Letter from Petitioner to Chairman of the Committee on Admissions of the Columbus Bar Association.
Feb. 18, 1969	Recommendation of the Committee on Admissions of the Columbus Bar Association submitted to the Clerk of the Supreme Court of Ohio.
Feb. 24, 1969	Counsel's memorandum on behalf of Petitioner submitted to the Supreme Court of Ohio.
Feb. 27, 1969	Order and Memorandum Opinion of the Supreme Court of Ohio.

Petitioner's Application for Admission

BEFORE THE SUPREME COURT OF OHIO

In the Matter of the Application for Registration of
MARTIN ROBERT STOLAR
As a Candidate for Admission to the Practice of Law

APPLICATION and CERTIFICATE

I hereby make application for registration as a candidate for admission to the practice of law. In conformity with the Rule of the Court, I am submitting (1) a certificate executed by the dean of the law school, (2) an authenticated transcript evidencing my bachelor's degree, (3) the answered character questionnaire in duplicate, (4) a fingerprint identification card and (5) the registration fee of twenty dollars.

I have read the rule pertaining to admission to the practice of law and understand that approval of my application is subject to the favorable recommendation of the local Committee on Applicants for Admission to the Practice of Law.

/s/ Martin Robert Stolar

Certificate of Registration

I CERTIFY, that Martin Robert Stolar, whose permanent residence is 18 College Complex Circle, Rochester (Monroe County), New York, began the study of law on September 13, 1965 at New York University College of Law.

Dated this 30th day of December, 1968.

/s/ Robert B. McKay
Dean

Application, Affidavit and Certificate of Law School

In the Matter of the Application of
MARTIN ROBERT STOLAR
For Admission to the Bar Examination

I hereby make application for admission to the bar examination to be held March 3, 1969. In conformity with the Rule of the Court, I am submitting (1) my affidavit, (2) a certificate from the law school, (3) two copies of the questionnaire updating the information on character and moral fitness and (4) the forty dollar fee.

_____
Signature of Applicant

18 College Complex
Rochester, N.Y.
Permanent Residence Address

Apt. 1409, 999 Caldwell Pl.
Columbus, O.
Temporary Address

Affidavit

State of Ohio, Franklin County, ss:

Martin Robert Stolar, being duly sworn, says: that he is a citizen of the United States, that he is 25 years of age and that during the course of his legal education he has read and studied the Canons of Professional Ethics approved by this Court.

_____

Sworn to before me and subscribed in my presence this day of 19 .

_____
Notary Public

Application, Affidavit and Certificate of Law School

Certificate of Law School

I certify that Martin Robert Stolar, an applicant for admission to the bar examination to be held on March 3, 1969, has been awarded an LL.B. Degree prior to the examination. I further certify that he has received instruction in legal ethics and that he is a person of good moral character who has sufficient knowledge and ability to discharge the duties of an attorney at law.

/s/ Robert B. McKay

Dean of New York University
Law School

Note: Should any applicant fail to complete degree requirements in time to qualify for the examination the Dean should immediately advise the Office of the Clerk of the Supreme Court.

Questionnaire for Registration
Before the Supreme Court of Ohio
In the Matter of the Application of
Martin Robert Stolar
For Registration as a Law Student

EXPLANATION AND INSTRUCTIONS: This questionnaire will provide The Supreme Court of Ohio and its Committees on Admissions to the Bar with information needed to determine your qualifications for registration as a law student. The information obtained may be used as a guide to further investigation. Answer all questions fully, truthfully and accurately.

Two completed typewritten (except for Item 16) copies of this questionnaire are to be submitted to the Clerk of The Supreme Court within 120 days after entering law school. If the space for any answer is inadequate, complete your answer on a separate attached sheet specifying the number of the question. Be sure to affix your signature to each additional sheet.

Only applications verified by the affidavit at the end of the questionnaire will be considered.

1. (a) Your full name *Martin* *Robert* *Stolar*
   First Middle Last
   (b) Have you ever used or been known by any other name? *No*
   If so, state in full each name used or by which you have been known, and briefly give the reasons therefor.
   (c) Has your name ever legally been changed? *No*
   If so, attached a certified copy of the order.
2. (a) Date of birth *April 2, 1943*
   (b) Place of birth *Syracuse, New York*
   (c) If you were born in a foreign country, state what

age you came to the United States.

(d) If you claim citizenship other than by birth in the United States, attach a certified copy of certificate of naturalization or other documentary evidence supporting your claim.

3. (a) Legal residence (permanent) address *18 College Complex, Rochester, N.Y.*

(b) Current residence address *Apt. 1409 999 Caldwell Pl., Columbus, Ohio*

(c) List every home address you have had since you were 14 years of age, giving the exact address of each, together with the month and year of the beginning and ending of each residence. (Exclude temporary addresses, such as those for summer vacation and during military service.)

Period	Street and Number	City and State	With Whom
Age 14-22 4/57 - 10/65	*37 Highland Parkway*	*Rochester, N.Y.*	*Parents*
Age 22-25 10/65 - 8/68	*18 College Complex Cir.*	*Rochester, N.Y.*	*Parents*

(d) Present business address, if any.....

4. (a) Are you married or single? *Single*

(b) Have you ever been married? *No*

(c) If you are married, state the date of marriage and wife's maiden name or husband's name.

(d) Have you ever been divorced?..... If so, give title and number of case, name of court granting decree, date of decree, by whom and on what grounds divorce was obtained.

5. (a) Father's name *Sigmund Stolar* Present residence *18 College Complex, Roch. N.Y.*

Mother's name *Jessie Stolar* Present residence *(same)*

Birthplace of father *New York City*

Birthplace of mother *Cranberry, New Jersey*

Questionnaire for Registration

Past and present occupations or professions. (Be specific.)

Father *Salesman for West Disinfecting Company, Business Director for JYM&WA in Rochester, Salesman for PAECO, Inc. (present)*

Mother *Bookkeeper for Serv-Rite, Inc. in Rochester (present)*

(b) Give a complete list of your brothers and sisters, including their present addresses and occupations.

Name	Address	Occupation
Michael Stolar	*184 College Complex, Rochester*	*Electrician*
Jeffrey Stolar	*284 Colony Manor Dr., Rochester*	*Salesman*

6. (a) List all junior and senior high schools which you have attended.

Name and Location of School	Period of Attendance
Monroe High School Rochester	From *Sept* 1956 to June 1961

(b) List all colleges and universities which you have attended.

Name and Location	Day, Evening, Extension or Summer Attendance	Period of Attendance	Degrees and Date Received
University of Rochester	*Day*	From Sept 1961 to June 1965	*A.B. June, '65*

(c) State the name of the law school to which you have been admitted or where you are currently enrolled. *New York University School of Law*

7. Have you ever been placed on probation, suspended, expelled or requested to terminate your enrollment by any high school, college, university, law school, or other similar institution? *No* If your answer is "Yes," give the name and address of the institution, the date and full particulars.

8. (a) Have you ever served in the armed forces of the United States? *No*

(b) Have you ever been a defendant in any courts-martial? *No*

(c) If your answer to (b) is "Yes," give the date, the nature of the charge, the facts pertaining to the case and the disposition thereof.

(d) What type of discharge or other separation document did you receive upon termination of your military service? *No*

(e) Have you ever been rejected for service in any branch of the armed forces of the United States? *No* If so, state the reason, date and other pertinent facts.

9. Give a complete statement of all employment, including businesses of your own in which you have been engaged, since you became eighteen years of age.

(all in Roch. unless otherwise noted)

Name and Address of Employer or Business	Period of Employment	Reason for Leaving
JYM&WA	From 6 1960 to 9 1960	*summer work*
Diamond Fish Fry	From 9 1960 to 5 1961	*store closed*
Coca-Cola Bottling Corp.	From 6 1961 to 9 1961	*summer work*
Coca-Cola Bottling Corp.	From 6 1962 to 9 1962	*summer work*
Cilman & Cilman	From 10 1961 to 4 1962	*school workload*
Rochester Cafe Services	From 9 1962 to 6 1965	*graduated from college*
Tennis Club of Rochester	From 6 1964 to 9 1964	*summer work*
Edward J. Regan, Esq.	From 6 1965 to 9 1965	*summer work (Bronx, N.Y.)*
Ballon, Stoll & Shyman, Esqs.	From 6 1966 to 9 1966	*summer work (New York)*
New York University	From 6 1966 to 12 1966	*summer work school workload (two different jobs)*
Multer, Nova & Seymour, Esqs.	From 7 1967 to 9 1967	*summer work (New York City)*
United States Government Office of Economic Opportunity VISTA	From 8 1968 to *present*	*(Columbus, O.)*

10. (a) Have you ever been required to furnish a bond in connection with any office or employment? *No*

Questionnaire for Registration

If your answer is "Yes," specify the type of office or position for which you were bonded, amount of the bond, name of the bonding company or other surety, and state whether anyone ever sought to recover upon your bond or to cancel it.

(b) Have you ever been refused a fidelity or other type bond? *No* If so, explain fully.

11. (a) Have you ever ben discharged or asked to resign by any employer? *No* If your answer is "Yes," to this question, state the circumstances.

(b) Have you ever held or applied for a license, or certificate, the procurement of which required proof of good character? *Yes* If so, state, as to each license, the date it was granted, the name and address of the authority issuing it, whether any license or certificate has been refused or revoked, and whether you have been reprimanded, censured, or otherwise disciplined as the holder of a license. *I am a member of the New York Bar, having been admitted by the Appellate Division, Fourth Department, Rochester, New York on December 2, 1968. I have never been reprimanded, censured or otherwise disciplined as a holder of this certificate.*

12. State whether you have been, or presently are:

(a) a party to any action or legal proceeding, including civil, criminal, quasi-criminal, administrative, or any proceeding in the juvenile court *Yes — minor traffic offenses*

(b) addicted to the use of narcotics, drugs, or intoxicating liquors *No*

(c) treated for mental illness *No*

(d) adjudged incompetent by any court *No*

(e) committed to or confined in any mental or correctional institution *No*

(f) adjudicated a bankrupt or placed under a receivership *No*

(g) a member of any organization which advocates the overthrow of the government of the United States by force *I will not answer this question under my right as guaranteed by the Fifth Amendment of the U.S. Constitution.*

If your answer to any section of the above question is "Yes," set forth the facts in detail, designating by letter the portion of the question to which you refer. Include names of cases and dates of all court proceedings, the disposition made thereof, and the name and address of the court in which the record may be found.

(a) Conviction, upon a plea of guilty, to a charge of speeding

1. In Municipal Court of Rochester, N.Y. in October, 1961; sentence was suspended.

2. In Justice Court of Batavia, N.Y. 10/13/64 —$10 fine

13. List the names and addresses of all clubs, societies or organizations of which you are or have been a member.
(a) *I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution.*

14. Are there any unsatisfied judgments against you? *No*
If so, list the names and addresses of the holders and the amount due on each judgment.

15. Name five persons (exclusive of relatives) who have known you well for at least five years. (Provide current addresses for, and the occupation of each reference.)
Jonathan Alpert 2724 Brownsboro Rd. Louisville, Ky. Law Student

Questionnaire for Registration

Marcia Alpert 2724 Brownsboro Rd. Louisville, Ky. Computer Programmer

Robert A. Quigley 79 Greenwich Ave. New York, N.Y. LIFE Magazine Circulation Manager

Harris H. Rusitzky 1577 Monroe Ave. Rochester, N.Y. Corporation Owner and President (Food Service)

Sam Phillips Council of Social Agencies Rochester, N.Y. Professional Social Worker

16. State in your own handwriting in a paragraph not to exceed 100 words your reasons for desiring to be an attorney at law.

My main reason for desiring to be an attorney is that the law is an ever-changing field—it continually develops and does not remain static or stagnant. Consequently it differs from a great many other fields into which I could have gone as a career. Secondanly, [sic] *the law can be an effective tool for molding the social change so necessary today. Working with and within the law to produce such change is, for me, the most important contribution I can make to the society in which I live.*

17. (a) Has your conduct ever been questioned, to your knowledge, with reference to the unauthorized practice of law? *No*

(b) Have you ever been employed or otherwise connected with any person, firm or corporation whose conduct was questioned, to your knowledge, on the subject of unauthorized practice of law while you were so employed or connected? *No*

If your answer is "Yes" to either part of this question, explain the facts in detail.

18. If you have ever held any public office either by election or by appointment, state the nature thereof, when and where. *None*

Questionnaire for Registration

19. When and where did you last vote in a public election? *Nov, 1964 Rochester, N.Y.*

20. Have you ever been suspended, disqualified or disciplined as a member of any profession; have you ever been removed from any office, public or private, because of conduct reflecting upon your character; or have any charges been made or filed or proceedings instituted against you? *No* If your answer is "Yes," state the facts in detail.

AUTHORIZATION AND RELEASE

I, *Martin Robert Stolar*, born at *Syracuse* *New York*, *on*
Name City State
April 2, 1943, having filed an application for admission to
Date
the bar of Ohio, consent to have an investigation made as to my moral character, professional reputation and fitness for the practice of law and such information as may be received reported to the admitting authority. I agree to give any further information which may be required in reference to my past record.

I also authorize and request, every person, firm, company, corporation, governmental agency, court, association or institution having control of any documents, records and other information pertaining to me, to furnish to the Supreme Court of Ohio any such information, including documents, records, bar association files regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent data, and to permit the Supreme Court of Ohio or any of its agents or representatives to inspect and make copies of such documents, records, and other information.

I specifically authorize the Supreme Court to obtain any information from my official record on file with Local Board Number *75* of the Selective Service System, located in the City of *Rochester*, State of *New York*; and hereby consent

to and authorize the release of such information by the Selective Service System.

I hereby request and authorize the Department of the ..... to furnish to the Supreme Court of
(Army, Navy, Air Force)
Ohio, the record of each period of my service therein, and to furnish the character of service rendered for each period. My serial number was ..... *applicable*

I hereby release, discharge, exonerate the Supreme Court of Ohio, its agents and repesentatives, the admission agency of the above jurisdiction, its agents and representatives, and any person so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information or the investigation made by the Supreme Court of Ohio.

I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and true of my own knowledge.

State of *Ohio*
ss.
County of *Franklin*

/s/ Martin Robert Stolar
Signature of Applicant

Subscribed and sworn to before me this *23* day of *Dec.* A.D., 19*68*

/s/ Charles A. Williams
Notary Public

Questionnaire for Admission to Examination

Before the Supreme Court of Ohio
In the Matter of the Application of
Martin Robert Stolar
For Admission to the Bar Examination

EXPLANATION AND INSTRUCTIONS

This questionnaire when answered, together with the questionnaire which you answered for registration as a law student, will provide the Supreme Court of Ohio and its Committees on Admission to the Practice of Law with information to determine your qualifications for taking the bar examination. The information obtained may be used as a guide to further investigation. Answer all questions fully, truthfully and accurately.

Two completed typewritten copies of this questionnaire are to be submitted to the Clerk of the Supreme Court at least 90 days prior to the date of examination. Only those applications submitted with the affidavit at the end of the questionnaire will be considered.

1. Your full name *Martin* (First) *Robert* (Middle) *Stolar* (Last)
   (a) Date of birth *April 2, 1943*
   (b) Present home address *18 College Complex Cir. Rochester, N.Y.*
   (c) Present residence address *Apt. 1409 999 Caldwell Pl. Columbus, Ohio*
   (d) Home phone *253-7058* Office phone *221-6581*
2. Have you been naturalized since registering as a law student? *No*
   (a) Date.....Court.....
   Forward naturalization certificate to the Clerk of the

Questionnaire for Admission to Examination

Supreme Court for inspection. It will be returned promptly.

3. Law school which you are attending *New York University School of Law*
   (a) Other previously attended *none*
   (b) Degree awarded or to be received *J.D. Degree received June, 1968*

4. Were you ever dropped, suspended or expelled from any law school? *No*
   (a) If so, explain fully:.....

5. Employment since registering as a law student:
   Employment record on registration form is complete and up to date

   Employer Address

6. Since registering as a law student have you ever been a party to or otherwise involved in any legal proceeding, civil or criminal? *No*
   (a) If so, explain fully:.....

7. List the names and addresses of all clubs, societies or organizations of which you are or have been a member since registering as a law student.
   I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution.

8. References: List three citizens of the community in which you have resided for the past five years and one member of the faculty of the law school or schools which you have attended to whom inquiry may be made concerning your character and fitness for admission to the practice of law in Ohio.

Questionnaire for Admission to Examination

Name	Address
Veronika Kraft	*140 W. 57th Street New York, N.Y.*
Robert A. Quigley	*79 Greenwich Avenue New York, N.Y.*
Harris H. Rusitzky	*1577 Monroe Avenue Rochester, N.Y.*
Prof. Homer Kripke	*NYU Law School 40 Washington Sq. New York, N.Y.*

Martin Robert Stolar
Applicant

STATE OF OHIO)
)SS.
COUNTY OF *FRANKLIN*)

Martin Robert Stolar, being duly sworn, states that he is the applicant named in the above questionnaire and says: I have read the foregoing questions and, to my own knowledge, have answered them fully, correctly and truthfully.

/s/ MARTIN ROBERT STOLAR
Applicant

Sworn to before me and subscribed in my presence this *23* day of *December*, 1968.

/s/ CHARLES A. WILLIAMS
Notary Public
Franklin County, Ohio

My commission expires 6-25-72.

Questionnaire on Application for Admission to the Bar of the State of New York

YOU MUST ANSWER ALL QUESTIONS FULLY.

1. Please state:

(a) your full name, and if name ever was changed, give former name, date and reason therefor.

Martin Robert Stolar

(b) age, and date of birth.

Born April 2, 1943. Twenty-five years old as of this date.

(c) place of birth.

Syracuse, New York

(d) now living with *Sigmund and Jessie Stolar*
Relationship? *Father and Mother*
at No. *18 College Complex Circle*
in the *City* of *Rochester* N.Y. *14623*
Zip Code

(e) length of actual residence in the State of New York, prior to the date of this application.

From birth until August 28, 1965.

(f) whether married or single.

Single.

If married, when, where and to whom.

(g) Has any marriage to which you were a party been terminated by divorce or annulment, or affected by a separation? If so, state fully in answer to question 16 all pertinent, material facts.

Never been married.

(h) Are you a citizen of the United States?

Yes

Questionnaire on Application for Admission to the Bar of the State of New York

(i) If naturalized, state when and where.

(j) If citizenship is claimed through the naturalization of a parent, set forth the facts.

2. If you have not always resided at the address stated at 1(d) state when and where you resided elsewhere.

4/43-10/46 425 Glenwood Ave., Syracuse, N.Y.
10/46- 6/65 37 Highland Parkway, Rochester, N.Y.
6/65- 9/65 365 W. 25th St., New York, N.Y.
9/65- 6/66 33 Washington Sq. W., New York, N.Y.
6/66- 9/66 118 E. 19th St., New York, N.Y.
9/66- 8/68 55 E. 10th St., New York, N.Y.
9/68-present 999 Caldwell Pl. Apt. 1409, Columbus, Ohio 43203

3. State the name, residence, birthplace and occupation of your parents, if living. If either parent be dead, so state, and give name, last place of residence and occupation.

Father: Sigmond Stolar Age 57 Occupation: 18 College Complex Cir. Salesman Rochester, N.Y. 14623 Birthplace: New York, N.Y.

Mother: Jessie Stolar Age 52 Occupation: (same as father) Bookkeeper Birthplace: Cranberry, N.J.

4. State all the schools below college grade which you have attended and between what dates. If you are a high school graduate, so state, giving name of school, date of graduation, and name of principal at graduation.

Elementary School: School #24, Rochester, N.Y. 9/48-6/56

Questionnaire on Application for Admission to the Bar of the State of New York

High School: Monroe High School, Rochester, N.Y. 9/56-6/61

Principal at Graduation: Mary A. Sheehan.

5. State whether you attended college? If so, state what college and when, specifying dates. What academic degree, if any, have you received? If you did not receive a degree, state the reasons. State what sessions you attended, whether full or part time, day, evening, extension or summer attendance.

   I attended the University of Rochester from 9/61 until 6/65, when I graduated with an A.B. I was a full time day student and majored in political science.

6. State whether you attended a law school? If so, state what school and when, specifying dates. What degrees in law, if any, have you received? If you did not receive a degree, state the reason. State what sessions you attended, whether full or part time, day, evening, extension or summer attendance.

   I attended, as a full time day student, New York University School of Law from 9/65-6/68, when I graduated with a J.D. Degree.

7. State whether you have ever been dropped, suspended, or expelled from any school, college, law school, or other similar institution? *No.*
   If your answer be yes, state the school, the cause and the circumstances.

8. State how many times you have taken the New York State Bar Examinations, and date of your final examination?

   I have taken the Bar Examination only once: July 18 and July 19, 1968.

9. State whether you have been employed by another in

any occupation, business, or profesison other than the law? If so,

Yes

(a) Give name and address of each employer, the business, the position you occupied and the month and year of the beginning and ending of each employment.

(1) Jewish Young Men's & Women's Ass'n. Summer Camp—Kitchen Asst. Summer 1960

(2) Diamond Fish Fry—Retail Fish Sales—Counter clerk—4/61-12/61

(3) JYM&WA—Coat checker—9/61-12/61

(4) Rochester Coca-Cola Bottling Corp.—laborer Summer 1961

(5) Driver's Asst. Summer 1962

(6) Cilman & Cilman—Retail Meat Sales—Bill Collection and Delivery—Fall, 1962

(7) Rochester Cafeteria Services, Inc.—Retail Prepared Food Sales—worked as counter and grillman 9/62-6/65

(8) New York University—Desk Clerk—Summer, 1966

(9) —Language Laboratory Ass't. Summer and Fall, 1966

(10) Tennis Club of Rochester—Snack Bar Manager—Summer, 1967

(b) Were you so employed at the same time that you were attending school, college or law school?

The jobs with the following numbers were held while attending college: (3), (6), (7). During law school job number (9) was held.

10. State whether you have been discharged by any employer? If so, state the cause and the circumstances.

Questionnaire on Application for Admission to the Bar of the State of New York

I have never been discharged by any employer.

11. State whether you have been engaged on your own account in any occupation, business, or profession other than the law? If so,

No

(a) Give in detail the nature and location thereof and the month and year of the beginning and ending of your engagement.

(b) if a partnership, give the names and addresses of all partners.

(c) state whether or not you were so engaged at the time that you were attending school, college or law school.

12. State the law offices, including the law department of any corporation, with which you have been connected, with address of each, nature of your connection and services, and the month and year of the beginning and ending thereof.

(1) Edward S. Regan Esq.
4806 White Plains Rd. — *I was clerk and typist*
Bronx, N.Y. — *from 6/65-9/65*

(2) Ballon, Stoll and Shyman, Esqs.
1450 Broadway — *I was law clerk from*
New York, N.Y. — *6/66-9/66*

(3) Multer, Nova & Seymour
120 Broadway — *I was law clerk from*
New York, N.Y. — *7/67-9/67*

13. State whether you have ever applied for admission to practice as an attorney or counselor in any court in any state or country other than the State of New York? If so, state specifically the place and disposition made of the application. If your application was granted, state whether you were admitted, giving the name of the court by which admitted, the date and place of such

admission, the period of practice, and the office addresses where you have practiced, and attorneys or firms with whom associated.
No application ever made.

14. State whether you have been reprimanded, censured, disciplined, suspended or disbarred as an attorney or counselor at law, solicitor or barrister, and have any charges ever been preferred against you, and if so, with what result?
Never

15. State whether you have ever previously applied for admission to the bar of the State of New York? If so, where, when, and with what result?
Never previously applied.

16. State whether you have been
    (a) a party to, or otherwise involved in, any legal proceeding, either civil or criminal? If so, state the date, place, court, and judgment rendered.
    I have never been such a party.
    (b) called as a witness or testified in any legal proceeding. If so, state facts fully.
    I have never been called as a witness.
    (c) charged with a crime or arrested. If so, state facts fully.
    I have never been charged with a crime.
    (d) summoned for a violation of any law, corporate ordinance, or regulation of any department of a municipal corporation. If so, state facts fully.
    I received a ticket for speeding on the N.Y. Thruway on 10/11/64. The Justice Court in Batavia, N.Y. convicted me upon a plea of guilty, on 10/13/64 and disposed of the case with a $10.00 fine. I also was convicted of a traffic offense (speeding) in the City of Rochester in the Fall of 1966 and

Questionnaire on Application for Admission to the Bar of the State of New York

sentence was suspended upon a guilty plea. The exact records here are lost to me.

17. State whether there are any favorable or unfavorable incidents in your life, whether at school, college, law school, business, or otherwise, not called for by the questions answered herein or disclosed in your answer thereto? If so, state the facts fully.
I can remember no unfavorable incidents. Favorable incidents include a number of scholastic awards throughout my schooling including my election as Administrative Director of the NYU Law School Moot Court Board. While in Law School I was awarded a Resident Fellowship by N.Y.U. and served as a graduate advisor in an Undergraduate Dormitory. One final favorable incident was my acceptance into and service in VISTA—a Volunteer In Service To America as part of the overall "War on Poverty" from the Office of Economic Opportunity.

18. State whether you have participated in activities of a public or patriotic nature or in philanthropic, religious, or social services? If so, state the facts fully.
I was a Cub Scout and Boy Scout and Explorer Scout during elementary and high school.
I also participated fully in my Temple's religious education programs until I went to college.
In addition, my time spent as a VISTA is a service of the above described nature.

19. Do you believe in the principles underlying the form of government of the United States?
Yes.

20. State whether you have been or are a member of any party or organization engaged in propagating or pledged to effect changes in the form of government provided for by the United States Constitution, or in

advancing the interests of a foreign country? If so, state the facts fully.

No.

21. Can you conscientiously, and do you, affirm, without any mental reservation, that you have been and are loyal to the government of the United States?

Yes.

22. Give the names and addresses of persons, other than those who have furnished character affidavits, to whom you refer as to your character, and state how long you have known each.

(1) Robert A. Quigley, 79 Greenwich Ave., New York, N.Y. 11 years

(2) Mr. and Mrs. Jonathan Alpert, 2724 Brownshore Rd., Louisville, Ky. 8 years

(3) Mr. and Mrs. Harry Malley, 83 Highland Pkwy. Rochester, N.Y. 20 years

(4) Mr. Sam Phillips, 151 Alaimo Drive, Rochester, N.Y. 25 years

23. State whether you have had military service? (If so, give date of entry into and discharge from service and state whether you were honorably discharged therefrom.)

I have had no military service.

24. (a) Have you studied the Canons of Ethics adopted by the American Bar Association?

Yes.

(b) Do you unconditionally subscribe to the same?

Yes.

(c) Will you conscientiously endeavor to conform your professional conduct to them?

Yes.

25. State fully the various reasons for your desire to adopt the practice of the law as a profession.

Early in my college years, when I first began to think of a life's work, I sought out the law chiefly because it

was not a static field. As I matured I saw that the law not only changed as it developed but it was capable of producing social change.

In addition, the practice of law would give me a chance to become knowledgable [sic] ***in many other fields—a kind of Renaissance-man profession, I had, and still have, no desire to channel all my life's work into one specialty and prefer the flexibility which the legal profession offers.***

26. State in a general way your plans for the future in the legal profession if you are approved by the Character Committee and admitted by the Court.

My immediate plans revolve around the area of poverty law which has been exposed to me through VISTA. I would like to work for Legal Aid or apply for a Smith Fellowship when my VISTA period expires.

Beyond this, I have plans to open my own office as a general practitioner and eventually specialize as a criminal lawyer.

Dated this *19th* day of *November*, 1968.

Signature of the Applicant MARTIN ROBERT STOLAR

State of New York:)
County of *Monroe*)ss.
City of *Rochester*)

Martin R. Stolar, being duly sworn, deposes and says: I am the applicant herein and have read the foregoing questions and have fully, truthfully and accurately answered the same. The foregoing answers and statements are true of my own knowledge, except as stated to be made upon information and belief, and as to such answers and statements I believe them to be true.

Signature of Applicant MARTIN R. STOLAR

Sworn to before me this *13* day
of *November*, 1968
/s/ [signature illegible]
Notary Public or Comm. of Deeds.

Report of Committee on Applicants for Admission to the Practice of Law

Report and Memorandum of J. Richard Lumpe

1. How long have you been a member of the local Bar Association? *six years*
2. Do you know the applicant personally? *no* If so, for how long?
3. Are you personally acquainted with the character references given by the applicant? *no*
   If so, what is their reputation in the community?
4. Has your inquiry revealed any questionable conduct which would adversely affect consideration of this application? *see attached statement* If so, what was the nature of such conduct?
5. In your opinion does this applicant possess the high standards of character required for admission to the practice of law? *see attached statement* If your answer is negative, explain in detail.
6. What is your recommendation relative to the applicant's registration as a candidate for admission to the practice of law? *I recommend that he not be registered at this time based on the fact that a complete investigation cannot be made at this time. See reasons set forth in the attached statement.*

Date *January 23, 1969*

Address *37 West Broad St., Columbus*

/s/ J. Richard Lumpe

NOTE: The Court's Rule on Admission to the Practice of Law requires that two members of the local Committee interview each applicant.

Report of Committee on Applicants for Admission to the Practice of Law

Report and Memorandum of J. Richard Lumpe

On January 23, 1969, the undersigned interviewed the applicant pursuant to the Rules of the Supreme Court of Ohio for applications for the practice of law. Richard Snodgrass, Attorney at Law, a member of the Admissions Committee, was also present for the interview.

It was noted that Mr. Stolar had refused to answer questions 12g and 13 on the Applicant's Questionnaire and question 7 on the Applicant's Questionnaire for Bar Examination for the following stated reason, "I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution."

Mr. Snodgrass and myself advised Mr. Stolar of the consequences of his refusal to answer these questions. After receiving this advice and stating he understood the matter, Mr. Stolar still refused to answer the above listed questions. His reason for refusing to answer was based on the premise that the questions were not pertinent to his moral and character fitness as an applicant. His principles and personal convictions would not allow him to answer these questions.

Based on my investigation, I find Mr. Stolar to be a very learned person and a very pleasant person, but I cannot recommend him for admission due to the fact he places himself above the rules of the Court and feels that he cannot abide by them when they run afoul of his personal convictions. I also cannot recommend him for admission since I was unable to fully complete the necessary investigation into his moral and character fitness due to his refusal to allow a complete investigation to be made.

/s/ J. Richard Limpe
37 West Broad Street
Columbus, Ohio
221-6755

Report of Committee on Applicants for Admission to the Practice of Law

Report and Memorandum of Richard Snodgrass

1. How long have you been a member of the local Bar Association? *Almost 2 years*
2. Do you know the applicant personally? *No* If so, for how long?
3. Are you personally acquainted with the character references given by the applicant? *No*
   If so, what is their reputation in the community?
4. Has your inquiry revealed any questionable conduct which would adversely affect consideration of this application? *See attached statement.* If so, what was the nature of such conduct?
5. In your opinion does this applicant possess the high standards of character required for admission to the practice of law? *Yes* If your answer is negative, explain in detail
6. What is your recommendation relative to the applicant's registration as a candidate for admission to the practice of law? *See attached statement.*

Date *January 27, 1969*

Address *37 W. Broad St., Columbus, Ohio*

/s/ RICHARD SNODGRASS

NOTE: The Court's Rule on Admission to the Practice of Law requires that two members of the local Committee interview each applicant.

J. Richard Lumpe and I interviewed Mr. Stolar on Thursday, January 23, 1969.

I found Mr. Stolar to be honest and forthright. His statements evidenced also a certain commitment to principle for its own sake, an unusually great amount of social awareness, and a degree of self-interest not reprehensible. On the

basis of the interview and the background actually revealed in Mr. Stolar's applications I have no reluctance to recommend Mr. Stolar for admission to the practice of law.

My recommendation is qualified, however, in that I can recommend him only if the Committee as a whole is willing to recommend his admission despite his refusal, with full notice of the possible consequences, to answer questions on the applications touching on his present and former organizational membership.

Two questions on each application Mr. Stolar, relying on the Fifth Amendment, refused to answer, on the ground that such questions go to matters not properly within the subject matter of such an inquiry. He rejected the argument that the Court, an agency of the state and of which he is to be a servant, has a right to inquire into such matters and to receive his full cooperation in doing so. He did state in response to direct questions that he is not now and has never been a member of the Communist Party, of any socialist party, or of the Students for a Democratic Society, and stated that he has signed the standard U.S. Army pre-induction security oath, which has reference to the "Attorney General's List".

Mr. Stolar was fully advised of the possible consequences of refusing to answer within the context of the *Schwere* and *Konigsberg* cases and the possible position of the Committee and of the Ohio Supreme Court that admission would and could lawfully be denied because of his refusal to answer and cooperate in the investigation. The issue then would seem to be whether the Committee and the Court are willing to honor Mr. Stolar's claimed rights above their own.

/s/ Richard Snodgrass
37 West Broad Street
Columbus, Ohio
228-1511

RS/a

Letter from Chairman to Petitioner dated February 7, 1969

February 7, 1969

Mr. Martin Robert Stolar
999 Caldwell Place
Apartment 1409
Columbus, Ohio

Dear Mr. Stolar:

The Admissions Committee of the Columbus Bar Association has considered your application for admission to the Ohio Bar examination. The committee has voted to deny your application unless by February 21, 1969, you answer questions 12 (g) and 13 of applicant's questionnaire for registration as a law student and question 7 of applicant's questionnaire for admission to bar examination.

Upon receipt of the answers to these questions the investigating committee will further consider your application.

Very truly yours,

WILLIAM H. SCHNEIDER
Chairman
Admissions to the Bar Committee

WHS:lml
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Letter from Petitioner to Chairman
Dated February 10, 1969

999 Caldwell Place
Apartment 1409
Columbus, O. 43203
February 10, 1969

William H. Schneider, Esq.
Columbus Bar Association
Committee on Admissions
40 South Third Street
Columbus, Ohio 43215

Dear Mr. Schneider:

I am in receipt of your letter of February 7, advising me of your Committee's denial of my application. Please be informed that I will not change my answers to questions 12 (g), 13 and 7 of the two application forms. This will be my position on February 21, 1969 also.

It is my belief that such questions are not within the proper scope of review for a Bar Association Committee on Admissions and in any event, the answers to such questions are protected by the First and Fifth Amendments of the United States Constitution.

I urge your committee to reconsider its decision. In the event that they do not, or do reconsider and reach the same conclusion, I would appreciate your informing me as soon as possible. In any event, I would like to know if I am entitled to a hearing before the Supreme Court and, if so, I request such a hearing with counsel.

Letter from Petitioner to Chairman
Dated February 10, 1969

I would appreciate your acting and responding with dispatch in this matter since the examination is but a short time away.

Very truly yours,
/s/ MARTIN R. STOLAR

MRS/s

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Recommendation of the Committee on Admissions of the Columbus Bar Association

February 18, 1969

Thomas Startzman, Esq.
Clerk of Supreme Court
State House Annex
Columbus, Ohio 43215

Re: Martin Robert Stolar

Dear Mr. Startzman:

The Admissions Committee of the Columbus Bar Association has considered the application of Martin Robert Stolar, 999 Caldwell Place, Apt. 1409, Columbus, Ohio, for admission to the Ohio bar examination. As indicated thereon Mr. Stolar has refused to answer questions 12(g) and 13 of applicant's questionnaire for registration as a law student and question 7 of applicant's questionnaire for admission to the bar examination.

The Admissions Committee voted to recommend to the Supreme Court that Mr. Stolar's application be denied unless Mr. Stolar answered the indicated questions. This information was transmitted to Mr. Stolar by certified mail and Mr. Stolar has indicated to the undersigned both by telephone and by letter that he will not answer the indicated questions. A copy of his letter is attached hereto. He further indicates that he did not wish the committee to wait until February 21, 1969, to forward this matter to you.

In view of Mr. Stolar's refusal to answer the questions above referred to, the Admissions Committee of the Colum-

Recommendation of the Committee on Admissions of the Columbus Bar Association

bus Bar Association recommends that Mr. Stolar's application for admission to the Ohio Bar examination be denied.

Very truly yours,

/s/ WILLIAM H. SCHNEIDER
Chairman
Admissions to the Bar Committee

WHS:lml

Enclosure:
(1) copy of letter
cc: Martin Robert Stolar

Memorandum of the Clerk of the Supreme Court of Ohio

TO: The Honorable Chief Justice and Justices

FROM: Thomas L. Startzman

SUBJECT: Adverse recommendation by Columbus Bar Association Admissions Committee on application of Martin R. Stolar for admission to the March, 1969 bar examination.

Mr. Stolar is a graduate of the New York University School of Law. He was admitted by examination to the New York bar in December, 1968. He is presently employed by the U. S. Office of Economic Opportunity, VISTA, and is assigned to the Columbus office.

All applicants for registration must compiete a questionnaire on which the following two questions, among others, appear:

"12. State whether you have been, or presently are:

(g) a member of any organization which advocates the overthrow of the government of the United States by force

13. List the names and addresses of all clubs, societies or organizations of which you are or have been a member."

Mr. Stolar answered both of the above questions in the following manner:

"I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution."

Memorandum of the Clerk of the Supreme Court of Ohio

At the personal interview conducted by two members of the Columbus Bar Association Admissions Committee, Mr. Stolar was advised that he would have to answer all the questions on the questionnaire and that if he did not do so they would be unable to recommend his admission because they would be unable to fully complete the necessary investigation. He still declined to answer the questions.

A meeting of the full admissions committee was held and it was determined that Mr. Stolar be advised that he would not receive a favorable recommendation unless he answered the questions on or before a specified date. He immediately replied that he would not answer the questions.

Copies of the reports of the two attorneys who conducted the personal interview and of the correspondence referred to above are attached hereto.

Mr. Stolar has indicated, in a pleasant manner, that he does intend to file an appeal to the U.S. Supreme Court if his application is denied.

2/19/69

Supplemental Memorandum of the Clerk of the Supreme Court of Ohio

Re: Application of Martin R. Stolar for admission to March examination.

As indicated in my previous memorandum to the court Mr. Stolar was admitted to the New York bar. At that time he was required to file an application with the admitting authority.

Attached hereto is one page of the questionnaire which Mr. Stolar filed in New York. The questions which will be of interest to the court are marked.

Thomas L. Startzman

Supplemental Memorandum of the Clerk of the Supreme Court of Ohio
[Attachment]

18. State whether you have participated in activities of a public or patriotic nature or in philanthropic, religious, or social services? If so, state the facts fully.

I was a Cub Scout and Boy Scout and Explorer Scout during Elementary and High School. I also participated fully in my Temple's religious education programs until I went to college.

In addition, my time spent as a VISTA is a service of the above described nature.

* 19. Do you believe in the principles underlying the form of government of the United States? Yes.

* 20. State whether you have been or are a member of any party or organization engaged in propagating or pledged to effect changes in the form of government provided for by the United States Constitution, or in advancing the interests of a foreign country? If so, state the facts fully. No.

* 21. Can you conscientiously, and do you, affirm, without any mental reservation, that you have been and are loyal to the government of the United States? Yes.

22. Give the names and addresses of persons, other than those who have furnished character affidavits, to whom you refer as to your character, and state how long you have known each.

(1) Robert A. Quigley, 79 Greenwich Ave., New York, N.Y. 11 years.

(2) Mr. and Mrs. Jonathan Alpert, 2724 Brownsboro Rd., Louisville, Ky. 8 years.

(3) Mr. and Mrs. Harry Malley, 83 Highland Pkwy., Rochester, N.Y. 20 years.

(4) Mr. Sam Phillips, 151 Alaimo Drive, Rochester, N.Y. 25 years.

Supplemental Memorandum of the Clerk of the Supreme Court of Ohio
[Attachment]

23. State whether you have had military service? (If so, give date of entry into and discharge from service and state whether you were honorably discharged therefrom.)
I have had no military service.

24. (a) Have you studied the Canons of Ethics adopted by the American Bar Association? Yes.
(b) Do you unconditionally subscribe to the same? Yes.
(c) Will you conscientiously endeavor to conform your professional conduct to them? Yes.

25. State fully the various reasons for your desire to adopt the practice of the law as a profession.
Early in my college years, when I first began to think of a life's work, I sought out the law chiefly because it was not a static field. As I matured I saw that the law not only changed as it developed but it was capable of producing social change.

In addition, the practice of law would give me a chance to become knowledgeable in many other fields—a kind of Renaissance like profession. I had, and still have, no desire to channel all my life's work into one specialty and prefer the flexibility which the legal profession offers.

Counsel's Memorandum on Behalf of Petitioner

February 24, 1969

Clerk
Supreme Court of Ohio
Columbus, Ohio

Re: Application of
MARTIN ROBERT STOLAR
to Take the Ohio Bar
Examination

Dear Sir:

The undersigned attorneys, Leonard B. Boudin of New York City, New York, and a member of the New York Bar, and William Boyland of Columbus, Ohio, and a member of the Ohio Bar, hereby request permission of this Court to appear on behalf of Martin Robert Stolar or as amicus curiae to present certain information set out below, which is relevant to the consideration of this matter. Would you kindly submit copies of this

letter and the other material enclosed herewith to the members of this Court?

Mr. Stolar has informed us that on February 7, 1969, he was notified by Mr. William H. Schneider, Chairman of the Admissions Committee of the Columbus Bar Association, that the Committee had decided to deny Mr. Stolar's application for permission to take the Ohio Bar Examination scheduled for March 4, 5 and 6, 1969 "unless by February 21, 1969, you [Mr. Stolar] answer questions 12(g) and 13 of the applicant's questionnaire for registration as a law student and question 7 of applicant's questionnaire for admission to bar examination".

Question 12(g) of the applicant's questionnaire for registration provides:

"State whether you have been, or presently are . . . (g) a member of any organization which advocates the overthrow of the government of the United States by force.

If your answer to any section of the above question is 'Yes,' set forth the facts in detail, designating by letter the portion of the question to which you refer. Include names of cases and dates of all court proceedings, the dispositions made thereof, and the name and address of the court in which the record may be found." [This latter portion of question 12 applies generally to subsections 12(a) - 12(g).]

Mr. Stolar answered question 12(g) by stating:

"I will not answer this under my right as guaranteed by the Fifth Amendment of the U. S. Constitution."

Questions 13 of the applicant's questionnaire for registration and 7 of the applicant's questionnaire for admission to bar examination are similar and in Mr. Stolar's case overlapping.

They provide respectively:

> "13. List the names and addresses of all clubs, societies or organizations of which you are or have been a member."
>
> "7. List the names and addresses of all clubs, societies or organizations of which you are or have been a member since registering as a law student."

Mr. Stolar's replies to both questions 13 and 7 were precisely the same as his answer to questions 12(g):

> "I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution."

In his letter of reply to the Committee, dated February 10, 1969 (annexed hereto as Exhibit A), Mr. Stolar stated:

> "Please be informed that I will not change my answers to questions 12(g), 13 and 7 of the two application forms. This will be my position on February 21, 1969 also.
>
> It is my belief that such questions are

> not within the proper scope of review for a Bar Association Committee on Admissions and in any event, the answers to such questions are protected by the First and Fifth Amendments of the United States Constitution."

Mr. Stolar has therefore grounded his refusal to answer the three questions involved on both the F irst and Fifth Amendments to the Constitution.

Recently a three-judge federal district court for the Southern District of New York, in an opinion by Circuit Judge Friendly dated February 17, 1969 (the full opinion of Judge Friendly and dissenting opinion of District Judge Motley, as yet not officially reported, are submitted herewith for the convenience of the Court) fully explored the import of the First Amendment to questions on an admission questionnaire for the New York Bar which

were almost identical to the questions Mr. Stolar refused to answer.

In the course of conducting its investigation of the character and fitness of applicants to the New York Bar, the Committees on Character and Fitness for the New York Appellate Divisions, First and Second Judicial Departments (covering New York City and surrounding suburban counties) included the following questions on their questionnaires:

> "26. Have you ever organized or helped to organize or become a member of or participated in any way whatsoever in the activities of any organization or group of persons which teaches (or taught) or advocates (or advocated) that the Government of the United States or any State or any political subdivision thereof should be overthrown or overturned by force, violence or any other unlawful means? If your answer is in the affirmative, state the facts below.

"28(a) Have you participated in activities of a public or patriotic nature or in philanthropic, religious, or social service? If so, state fully.

"(b) If you engaged in extracurricular activities (athletic, dramatic, debating, club, committee, administration, etc.) in college, indicate approximate amount of time spent and responsibility involved.

"29(a) Give names, addresses, objects and period of membership in each and every club, association, society or organization of which you are or have been a member other than those associated with and recognized by accredited schools and colleges."

Questions 28(a) and 29(a) were withdrawn by the Committees soon after the commencement of the three-judge court action.

Judge Friendly made the following observation regarding the withdrawal of these questions (see pp. 19-20 of Judge Friendly's opinion):

> "The questionnaires in use in the two departments have been the subject of recent changes which demonstrate that the Committees on Character and Fitness and the Justices of the Appellate Divisions are well aware of the need to bring them in line with developing concepts of First Amendment rights . . . After the commencement of the actions the Appellate Divisions deleted questions [28(a), (b) and 29(a)] which would have raised exceedingly serious problems under Shelton v. Tucker, 364 U.S. 479 (1960). See also Schneider v. Smith, 390 U.S. 17 (1968)." (Emphasis supplied)

The court stayed issuance of an injunction against the resumption of questions 28(a), (b) and 29(a) out of "[c]onsiderations of comity to respected fellow-judges" so that they might be "afforded a reasonable opportunity to reflect on our conclusions and perhaps take action that might obviate any occasion for an injunction." (See Judge Friendly's opinion at p. 27).

As to Question 26, the court held that it was unconstitutionally overbroad. Judge Friendly ruled:

> "The most obvious problems with Question 26 are the parenthetical past-tense verbs . . . The question should be corrected to clarify that the organization's teaching or advocacy of violent overthrow must have coincided in time with applicant's membership . . .
>
> . . . . . .
>
> "no Supreme Court decision has gone beyond sustaining inquiry into membership in organizations known to the member to advocate forceful or violent overthrow, or in the Communist Party whose advocacy is evidently deemed a matter of common knowledge. We are not disposed to sanction inquiries of greater scope." (at pp. 23-24)

The court ordered that Question 26 be "omitted or rephrased" within 90 days and that present applicants be permitted to "answer Question 26

only as limited to membership in organizations known to them to be then teaching or advocating overthrow of the Government by force or violence" (Judge Friendly's opinion at p. 27).

We respectfully submit that in light of Judge Friendly's reasoned opinion and the many recent Supreme Court decisions he and Judge Motley (dissenting) rely upon, Mr. Stolar was justified in refusing to answer the questions involved in this matter and that such refusal cannot, consistent with the First Amendment, be the basis for denying his application. Because of the time problem here with respect to the impending bar examination of March 4, 5 and 6 for which Mr. Stolar has been preparing, we respectfully request that

he be admitted to that examination so that he will not be penalized for asserting his First and Fifth Amendment rights.

The Court may desire Mr. Stolar to answer Question 12(g) as rephrased in accordance with Judge Friendly's opinion, but we think that this matter should be considered after the applicant has had an opportunity to take the examination. This would permit sufficient time for full briefing and argumentation on the applicant's claim of his Fifth Amendment rights (see Spevack v. Klein, 385 U.S. 511), an issue not involved in the case before Judge Friendly, and other First Amendment objections regarding the power to issue and the propriety of such a question, even as rephrased. These First Amendment ob-

jections were explored in Judge Motley's dissenting opinion and were the basis for the Judge's order convoking the three-judge court (see 291 F. Supp. 772). Another recent opinion fully developing these objections may be found in Haskett v. Washington, Civ. No. 2007-68 (D.D.C., Dec. 4, 1968, Skelley-Wright, Circuit Judge, concurring). (A copy of this decision, not yet officially reported, is submitted herewith for the convenience of the Court.)

We further request an opportunity for oral presentation regarding the issues raised in this matter, preferably this week. If upon the receipt of this letter the Court has already decided to deny Mr. Stolar's application,

we respectfully urge reconsideration in light of the above information and further presentation during oral argument.

Yours truly,

Leonard B. Boudin
Rabinowitz, Boudin & Standard
30 East 42nd Street
New York, N.Y. 10017
(212) OX. 7-6640

William Boyland
Campbell & Boyland
78 East State Street
Columbus, Ohio
(614) 224-6262

Attorneys for the Applicant

LBB:j

cc:

William H. Schneider, Esq.
Columbus Bar Association
Committee on Admissions
40 South Third Street
Columbus, Ohio 43215

EXHIBIT A

999 Caldwell Place
Apartment 1409
Columbus, O. 43203

February 10, 1969

William H. Schneider, Esq.
Columbus Bar Association
Committee on Admissions
40 South Third Street
Columbus, Ohio 43215

Dear Mr. Schneider:

I am in receipt of your letter of February 7, advising me of your Committee's denial of my application. Please be informed that I will not change my answers to questions 12(g), 13 and 7 of the two application forms. This will be my position on February 21, 1969 also.

It is my belief that such questions are not within the proper scope of review for a Bar Association Committee on Admissions and in any event, the answers to such questions are protected by the First and Fifth Amendments of the United States Constitution.

I urge your committee to reconsider its decision. In the event that they do not, or do reconsider and reach the same conclusion, I would appreciate your informing me as soon as possible. In any event,

I would like to know if I am entitled to a hearing before the Supreme Court and if so, I request such a hearing with counsel.

I would appreciate your acting and responding with dispatch in this matter since the examination is but a short time away.

Yours very truly,

Martin R. Stolar

MRS/s

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Order and Memorandum Opinion of the Supreme Court of Ohio

THE STATE OF OHIO,)
) 1969 TERM
City of Columbus.)

To wit: Thursday, February 27, 1969

In the Matter of the Application)
of Martin Robert Stolar to be) ENTRY
admitted to the March, 1969,)
Ohio Bar Examination.)

The Court coming now to consider the application of Martin Robert Stolar, the recommendation of the Committee on Admissions of the Columbus Bar Association and the memorandum and material submitted by counsel for Mr. Stolar, finds that oral argument in this matter is not necessary, and that the recommendation of the Committee on Admissions should be approved.

It is, therefore, ordered that the application of Martin Robert Stolar to be admitted to the March, 1969, Ohio Bar Examination be denied.

I, THOMAS L. STARTSMAN, Clerk of the Supreme Court of the State of Ohio, do hereby certify that the foregoing entry was correctly copied from the records of said Court, to wit, from Journal No. 49 Page.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Supreme Court this 27th day of February, 1969.

THOMAS L. STARTZMAN, Clerk

By_____Deputy.

Supreme Court of the United States

No. 75 ----, *October Term, 19* 69

In the Matter of the Application of
Martin Robert Stolar,

Petitioner,

Order allowing certiorari. *Filed* **October 13 -----**, *19* **69.**

The petition herein for a writ of certiorari to the Supreme Court of the State of **Ohio** *is granted.* **The case is placed on the summary calendar and set for oral argument immediately following No. 53.**

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.